

Appl. No. : 10/807,147  
Filed : March 24, 2004

### REMARKS

Applicant thanks the Examiner for reviewing the application. Claims 1-10 are pending in the present application and are presented for reconsideration and further examination in view of the following remarks.

#### **Claims Rejected under 35 U.S.C. § 102(e)**

Claims 1-6 and 8 were rejected under 35 U.S.C. § 102(e) as being anticipated by Piehl et al. (US Patent Pub. No. 2004/0218251). Applicant respectfully traverses these rejections.

Piehl neither teaches nor suggests the feature “wherein the opaque protection structure prevents light from passing through a defect in the optical interference reflection structure and causing a bad pixel” as recited in independent Claim 1. Fig. 7C and the corresponding description of Piehl describe an electronic device having an optical interference reflection structure and a “border mask” 22 (characterized as an opaque protection structure by the Examiner). The border mask 22 is merely included to cover the non-active area of the display and reduce light reflected from the non-active area. The border mask 22 does not cover the active area (the optical interference reflection area), and therefore would not prevent light from passing through a defect in the optical interference reflection structure.

Thus, the border mask of Piehl does not have the same structure as recited in claim 1. Accordingly for at least this reason, Claim 1 is not anticipated by Piehl. Withdrawal of the rejection of Claim 1 and its dependent Claims 2-6 and 8 is respectfully requested.

#### **Claims Rejected under 35 U.S.C. § 103(a)**

Claims 7 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Piehl. Applicant respectfully traverses these rejections. Claims 7 and 10 depend on Claim 1, therefore incorporate all the limitations of Claim 1. For the same reason as discussed above, Piehl neither teaches nor suggests the feature “wherein the opaque protection structure prevents light from passing through a defect in the optical interference reflection structure and causing a bad pixel” as incorporated by each of Claims 7 and 10. Further, it would not have been obvious to one of ordinary skill in the art to produce this feature in view of Piehl. Indeed, covering the active area

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with an opaque structure would render the device of Piehl inoperative since no light would be transmitted to the outside. Accordingly at least for this reason, the combination of Piehl with what is known in the art would still not lead one of ordinary skill in the art to produce the claimed invention. Claims 7 and 10 would not be obvious to one of ordinary skill in the art. Withdrawal of the rejection is respectfully requested.

### **Claims Rejected on the Ground of Double Patenting**

Claims 1-4 and 8-10 were rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 5-6 of Lin et al. (US Patent No. 6,999,225). Applicant respectfully traverses this rejection. The claims of Lin do not recite “an opaque protection structure” and “wherein the opaque protection structure prevents light from passing through a defect in the optical interference reflection structure and causing a bad pixel” as recited in independent Claim 1.

First, Applicant respectfully disagrees with the Examiner’s position that it would have been obvious to one of ordinary skill in the art to make the protection structure in Lin “opaque”. The protection structure in Lin is included to serve a function of protecting the optical interference structure from damage by an external environment. Making the protection structure opaque does not help serve this function, thus there is no motivation to do so. Second, the opaque protection structure in Claim 1 is configured to carry out a different function, i.e., preventing light from passing through a defect in the optical interference reflection structure and causing a bad pixel. Therefore, Claim 1 is patentably distinct from the claims of Lin. Withdrawal of this rejection is therefore respectfully requested.

Claims 1-3 and 10 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5-7, and 8-10 of copending Application No. 10/884,555 (“Copending Application”). Claims of the Copending Application do not recite “an opaque protection structure” and “wherein the opaque protection structure prevents light from passing through a defect in the optical interference reflection structure and causing a bad pixel” as recited in independent Claim 1. First, Applicant respectfully disagrees with the Examiner’s position that it would have been obvious to one of ordinary skill in the art to

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make the protection structure in Copending Application "opaque". The protection structure in the Copending Application is included to serve a function of protecting the optical interference structure from damage by an external environment. Making the protection structure opaque does not help serve this function, thus there is no motivation to do so. Second, the opaque protection structure in Claim 1 is configured to carry out a different function, i.e., preventing light from passing through a defect in the optical interference reflection structure and causing a bad pixel. Therefore, Claim 1 is patentably distinct from claims of Copending Application. Withdrawal of the rejection of Claim 1 is respectfully requested. Alternatively, because this is a provisional rejection, Applicant respectfully requests that it be held in abeyance until one of the applications is granted as a patent.

#### **Dependent Claims**

Claims 2-10 are dependent either directly or indirectly on the above-discussed independent Claim 1. Applicant respectfully submits that pursuant to 35 U.S.C. § 112, ¶4, the dependent claims incorporate by reference all the limitations of the claim to which they refer and include their own patentable features, and are therefore patentable for all of the reasons discussed above. Therefore, Applicant respectfully requests the withdrawal of all claim rejections and allowance of the claims.

#### **Conclusion**

In view of the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is invited to contact the undersigned at the telephone number appearing below.

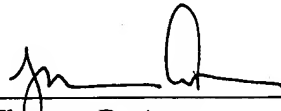
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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